

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b),
Table of Allotments
FM Broadcast Stations
(Bay City and Edna, Texas)

) MM Docket No. 90-90-2
)
) RM-7551
)
)
)
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY COMMENTS OF AMMERMAN ENTERPRISES, INC.

Ammerman Enterprises, Inc., by its attorneys, hereby submits its reply comments in the above-captioned proceeding.

Only three parties filed comments in response to the Notice of Proposed Rule Making in this proceeding -- Ammerman, Roy E. Henderson ("Henderson") and Congressman Jack Fields ("Fields") of Texas. No counterproposals and no oppositions were filed.

Henderson and Fields raised similar concerns. Henderson, in particular, voiced frustration with the delay he is experiencing in a rule making proceeding currently pending before the Commission, Docket 90-90. Henderson pointed out that he had proposed changing the FM allotment for Edna, Texas from Channel 269A to Channel 241A several years ago in the context of Docket 90-90. Henderson is therefore concerned with the Commission's characterization of the identical channel change at Edna (from 269A to 241A), as proposed in this proceeding, as being made "on [the Commission's] own motion."

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Henderson believes the Commission should have acknowledged that the Edna channel change was originally his idea.

Ammerman has no objection to the expeditious resolution of Docket 90-90. Ammerman also has no objection to crediting Henderson with original authorship of the Edna channel change proposal. However, Ammerman strongly believes that delays in Docket 90-90, whatever their cause, as well as the Commission's description of the Edna channel change proposal as made "on its own motion" provide no grounds for delaying resolution of this proceeding. Indeed, there is no basis in Commission precedent for linking this proceeding with Docket 90-90. They are separate proceedings that can and should be decided separately on their own merits.^{*/} Indeed, with the passing of the comment deadline in this proceeding without counterproposal or opposition, there is no obstacle whatsoever to the expeditious upgrade of Channel 241C2 to Channel 269C1 at Bay City. Resolution of Docket 90-90 is not, in other words, a prerequisite to action in this docket.

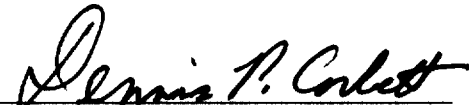
^{*/} Expeditious action in this proceeding would not harm Henderson. After all, the Commission has proposed in this proceeding a channel change that follows, at least with respect to Edna, Henderson's blueprint for Docket 90-90.

CONCLUSION

No impediment exists to an immediate grant of Ammerman's requested channel upgrade at Bay City, Texas. Such a grant is respectfully requested.

Respectfully submitted,

AMMERMAN ENTERPRISES, INC.

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June 2, 1992

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CERTIFICATE OF SERVICE

I, Katharine K. Bryant, do hereby certify that a copy of the foregoing "Reply Comments of Ammerman Enterprises, Inc." was mailed, United States first-class mail, postage prepaid, this 2nd day of June, 1992 to the following:

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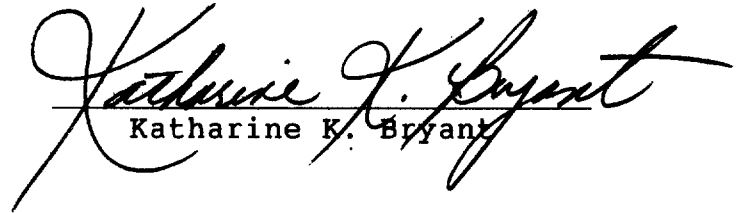
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